



DEPARTMENT OF THE NAVY
BOARD FOR CORRECTION OF NAVAL RECORDS
2 NAVY ANNEX
WASHINGTON DC 20370-5100

ELP
Docket No. 12-00
17 July 2000

[REDACTED]

Dear [REDACTED]

This is in reference to your application for correction of your naval record pursuant to the provisions of Title 10, United States Code, Section 1552.

A three-member panel of the Board for Correction of Naval Records, sitting in executive session, considered your application on 12 July 2000. Your allegations of error and injustice were reviewed in accordance with administrative regulations and procedures applicable to the proceedings of this Board. Documentary material considered by the Board consisted of your application, together with all material submitted in support thereof, your naval record and applicable statutes, regulations and policies.

After careful and conscientious consideration of the entire record, the Board found that the evidence submitted was insufficient to establish the existence of probable material error or injustice.

The Board found that you enlisted in the Naval Reserve on 23 August 1972 for six years. You were ordered to active duty for a period of two years on 14 November 1972. The record reflects that you were advanced to SA (E-2), but disenrolled from basic hospital corps school on 19 June 1973 school due to academic failure.

The record further reflects that during the eight month period from December 1973 to July 1974 you received three nonjudicial punishments (NJP) and were convicted by a summary court-martial. Your offenses consisted of disrespect, missing movement, altering a military identification card, three periods of unauthorized absence (UA) totalling about 16 days, and breaking restriction. During the foregoing period, your enlistment was extended for one month as "pay back" for time spent in HM "A" school.

On 18 December 1974 you were released from active duty under honorable conditions and transferred to the Naval Reserve. You

received a general discharge upon your enlistment in the New Jersey Army National Guard on 5 May 1975.

Character of service is based, in part, on military behavior and overall trait averages which are computed from marks assigned during periodic evaluations. Your military behavior and overall trait averages were 2.7 and 3.1, respectively. A minimum mark of 3.0 was required in military behavior at the time of your discharge for a fully honorable characterization of service.

In its review of your application the Board carefully weighed all potentially mitigating factors such as your youth and immaturity, limited education, subsequent service in the National Guard, and the fact that it has been nearly 26 years since your discharge. The Board concluded that the foregoing factors were insufficient to warrant recharacterization of your discharge given your record of three NJPs, a summary court-martial conviction, and your failure to achieve the required average in military behavior. The Board believed that you were fortunate that you were allowed to complete your active obligated service and were not processed for discharge under other than honorable conditions. The Board concluded that the discharge was proper and no change is warranted. Accordingly, your application has been denied. The names and votes of the members of the panel will be furnished upon request.

It is regretted that the circumstances of your case are such that favorable action cannot be taken. You are entitled to have the Board reconsider its decision upon submission of new and material evidence or other matter not previously considered by the Board. In this regard, it is important to keep in mind that a presumption of regularity attaches to all official records. Consequently, when applying for a correction of an official naval record, the burden is on the applicant to demonstrate the existence of probable material error or injustice.

Sincerely,

W. DEAN PFEIFFER
Executive Director